

~~(3) (I) THE COMMISSION MAY NOT APPROVE A NEW ACADEMIC PROGRAM THAT UNNECESSARILY AND UNREASONABLY DUPLICATES AN EXISTING ACADEMIC PROGRAM.~~

~~(II) THE COMMISSION SHALL CONSIDER A PROPOSED PROGRAM UNNECESSARILY AND UNREASONABLY DUPLICATIVE IF THE PROGRAM:~~

~~1. DUPLICATES A PROGRAM OF ANOTHER INSTITUTION OF HIGHER EDUCATION LOCATED WITHIN 35 MILES OF THE INSTITUTION SEEKING APPROVAL OF THE PROPOSED PROGRAM; AND~~

~~2. A. IS A BACCALAUREATE LEVEL PROGRAM THAT IS NOT A BASIC LIBERAL ARTS AND SCIENCE FOUNDATION COURSE; OR~~

~~B. IS A GRADUATE LEVEL PROGRAM.~~

~~{(3)}(4) (I) The Commission {may} SHALL review existing programs at public institutions of postsecondary education if the Commission has reason to believe that academic programs are unreasonably duplicative or inconsistent with an institution's adopted mission.~~

~~{(4)}(II) The Commission may:~~

~~(I) MAY make a determination that an unreasonable duplication of programs exists on its own initiative or SHALL INITIATE AND CONDUCT A REVIEW after; AND~~

~~(II) AFTER receipt of a request for determination from any directly affected public institution of postsecondary education, SHALL MAKE A DETERMINATION CONCERNING A PROGRAM THAT IS APPROVED OR IMPLEMENTED AFTER JULY 1, 2006.~~

~~(5) (i) If the Commission makes a determination under paragraph (4)(II) of this subsection the Commission may:~~

~~1. Make recommendations to a governing board on the continuation or modification of the programs;~~

~~2. Require any affected governing board to submit a plan to resolve the duplication; and~~

~~3. Negotiate, as necessary, with any affected governing board until the unreasonable duplication is eliminated.~~

~~(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, if the Commission determines that 2 or more existing programs offered by institutions under the governance of different governing boards are unreasonably duplicative, the governing boards of the institutions of postsecondary education at which the programs are offered shall have 180 days from the date of the Commission's determination to formulate and present to the Commission a joint plan to eliminate the duplication.~~